

January 25, 2002

TO: Recipients of Legislative Memos

FROM: David Vogler, Legal Counsel

SUBJECT: Legislative Memo #3 for the 2002 Session

Attached is the third legislative memo of the year which summarizes the remaining resources related bills introduced through the first ten days of the legislative session. A total of 1,307 bills (including the carry-overs) have been introduced. There have not been a significant number of bills related to natural resources in this session. Most of the debate so far has centered on criminal and social issues. I expect that this pattern will continue until the budget bills come up.

Hearings have already been held on LB's 889, 890, 937, 938 and 1023. Scheduled hearings of interest are:

LB 891	Friday, January 25, 2002	1:30 p.m.
LB 941	Thursday, January 31, 2002	1:30 p.m.

Other tentative dates of interest include:

February 4 – 14	Agency Appropriation/Deficit Hearings
February 22	Budget Forecast
March 8	Legislative Appropriation package to the floor

I expect the first Natural Resources bill to be debated will be LB 458 sometime early in the week of January 28 – 31. Friday, February 1 is a recess day for the legislature.

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Attachment

**2002 LEGISLATIVE MEMO #3****LB 889: Amend the Water Well Standards and Contractor's Licensing Board**

Hearing was held on January 23. There was mixed testimony (some proponent, some opponent) on this bill that adds a member to the Board. As of today it remains in committee.

**LB 890: Amend the Water Well Registration Fee Structure**

Hearing was held on January 23. The Department and NRDs are working on compromise language which would provide that the fees for registration updates and transfers of ownership would come 50 percent from the Water Well Contractor's Licensing Fund and 50 percent from the Water Well Decommissioning fund. The bill remains in committee.

**LBs 937/938: Authorize New Uses of the Soil and Water Conservation Fund**

Hearing was held on January 23 without any opposition testimony. They remain in committee.

**LB 1023: Water Policy Task Force**

Hearing was held on January 24. Most testimony was by proponents of the bill with some reservations about the size and makeup of the task force and the broad nature of their mandate. Some opposition testimony relating to letting the current laws have a chance to work. The bill remains in committee.

*Newly introduced bills since Memo #2.*

**LB 1161: Require Certain Water Suppliers to Pay for County Services and Facilities**

This bill would allow counties to be compensated for services or facilities used by cities of the primary class or metropolitan utilities districts who own real property in an unincorporated portion of a county for the purpose of providing water. The amount of compensation would be no higher than the amount of property tax which a private entity would be liable for if they owned such property.

**LB 1219: Appropriate Funds to the Natural Resources Commission**

LB 1219 appropriates \$750,000 to the Commission for the Resources Development Fund. The thought is to make up for some of the loss last year when the appropriation was cut from a planned 3.5 million to 1.75 million. It has been brought to the introducer attention that the proper place for the appropriation would be to the Department, not the Commission, since the merger in 2000.

**LB 1230: Require Metropolitan Utilities Districts to Pay Counties for Retail Water and Gas Sales**

This bill would require any metropolitan utilities district to pay two percent to the annual gross revenue derived from all retail sales of water or gas to every county within such county. Payments shall not be less the fifty thousand dollars annually.

**LB 1272: Create the Environmental Response Contingency Fund and Change Lottery Allocations**

LB 1272 would create a new fund to respond to clean up activities from spills and other contamination. Funding would come from Nebraska Lottery funds and would reduce the amount for the Environmental Trust from 49.5 percent to 25 percent with 24.5 percent then going to the Contingency Fund.

**LB 1288: Change Niobrara Council Powers**

This bill will make minor changes to the powers of the Niobrara Council including the ability to acquire conservation easements outside the river corridor with the approval of the appropriate governing body, promulgate rules and internal policies, consider variances of zoning ordinances, and extend the time period for response to proposed government activities in the corridor from thirty to 120 days.

**LB 1291: Create a Scrap Tire Grant Trust Administered by the Environmental Trust Board**

In essence this bill removes the Scrap Tire Program from the Department of Environmental Quality and places it under the Environmental Trust Board. The program would continue to be funded by a fee on the retail sales of tires in the State. It does not affect the distribution of lottery funds.

**LEGISLATIVE MEMO #3**  
**STATUS REPORT – 2002 SESSION**

**NOTE: Changes from the last memo are shown in bold.**

<b>LB #</b>	<b>Subject</b>	<b>Committee/ Hearing Info.</b>	<b>Applicable Legis. Memo(s)</b>	<b>Status (e-date)</b>
57	Sales tax/public records		1	G
120	Ag land values		1	C
121e	Base limitation/lid		1	C
161	Poli. Sub. Tort claims		1	G
259	Counties/Occ. Tax/vacate roads?		1	S
290	Ag land at 50%		1	C
301	Eng. & Arch. Act/triggers		1	C
355	Poli. Sub. Tort Claims/2 years		1	G
404	State Water Task Force		1	G
447	NRDs/Counties/Close Roads		1	C
458	Water Well Board Report		1,2	G
504	Approp. for NREF		1	C
568ePB	Budget date/e-filing		1	G
600PB	Ag land/net earning value		1	G
628	State 404 program		1	C
632	NGPC/# of members		1	C
634	DOA fees/NREF		1	G
635	Approp. for NREF #2		1	C
636	Nat. Heritage Plates		1	C
708	Lottery/Env. Trust 14.5%		1	C
709	NRD/Em. dom./rec. use		1	C
731	Vacancies/elected boards		1	<b>IP</b>
758PB&A	Fertilizer fee/excess/UNL		1	G
763	Storage/dams/LWCF		1,2	G
764	Stormwater/assess areas		1	C
777	Amends to Nebr. NG-ESCA		1	G
778	NGPC/confidentiality		1	G
785	Railroad/Em. dom./DNR		1	C
791PB	Lottery/18% to funds		1	G
813e	Public facility financing		1	C
837e	DNR hearings/NRD/county		1	C
889	Well Stand./Contractor's Lic.	<b>N.R./1-23;1:30</b>	2	C
890	Well Regis. Fee Structure	<b>N.R./1-23;1:30</b>	2	C
891	ET Admin. Structure	<b>N.R./1-25;1:30</b>	2	C
903	Interstate Compact Sunshine Act	<b>Gov./1-31;1:30</b>	2	C
936	Authorize Drainage Programs	<b>N.R./</b>	2	C
937	NE Soil & Water Cons. Fund	<b>N.R./1-23;1:30</b>	2	C
938	NE Soil & Water Cons. Fund	<b>N.R./1-23;1:30</b>	2	C

Code: \* (unofficial); (e) emergency clause; (CA) constitutional amendment; (C) in committee; (G) General File; (S) Select File; (F) Final Reading; (P) Passed; (AG) Approved by Governor; (IP) Indefinitely Postponed; (V) Vetoed; (LV) Line item veto of appropriation; (LWG) Became law w/o Governor's signature; (POV) Passed over Governor's Veto; (W) Withdrawn; (PB) Priority Bill; (A) includes appropriation bill; (PR) Priority Resolution

940	Enforce. of Well Regis. Statutes	<b>N.R./</b>	2	C
941	Misc. Department Fees	<b>N.R./1-31;1:30</b>	2	C
1023	Water Policy Task Force	<b>N.R./1-24;1:30</b>	2	C
1026	Adopt Water Rights Leasing Act	<b>N.R./</b>	2	C
1066	Violations/Cease & Desist Orders	<b>N.R./</b>	2	C
<b>1161</b>	<b>Water Suppliers Pay Coun. Serv.</b>	<b>U.A./1-29;1:30</b>	<b>3</b>	<b>C</b>
<b>1219</b>	<b>Approp. Funds to NRC</b>		<b>3</b>	<b>C</b>
<b>1230</b>	<b>MUDs/Retail Water &amp; Gas Sales</b>		<b>3</b>	<b>C</b>
<b>1272</b>	<b>Env. Resp. Cont. Fund/Lottery</b>		<b>3</b>	<b>C</b>
<b>1288</b>	<b>Niobrara Council Powers</b>		<b>3</b>	<b>C</b>
<b>1291</b>	<b>Scrap Tire Grant Trust/ET</b>		<b>3</b>	<b>C</b>